

**HICA EDUCATION LOAN  
CORPORATION,  
Plaintiff,**

**v.**

**ELLIOT E. SHIN,**  
**Defendant.**

)  
)  
) **No. 2:12-cv-00553-PMP-GWF**  
)  
) **NOTICE OF DISMISSAL WITHOUT**  
) **PREJUDICE**  
)  
)  
)

Plaintiff, HICA EDUCATION LOAN CORPORATION, notifies the Court and all parties-in-interest that, pursuant to Rule 41 of the Federal Rules of Civil Procedure, it is dismissing this case without prejudice, and would show:

1. Plaintiff filed this case on April 4, 2012. (ECF # 1).
2. A Summons was issued for service upon the Defendant on April 4, 2012. (ECF # 4).
3. Multiple attempts have been made to effectuate service of the Summons and the Complaint on the Defendant; however, these attempts have been unsuccessful, as evidenced by the Return of Service attached hereto as **Exhibit A** and incorporated herein by reference.

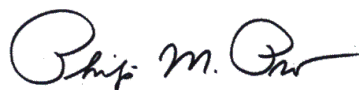
1 4. For reasons satisfactory to it, Plaintiff has determined that this case should be dismissed  
2 at the current time without prejudice pursuant to the authority of Rule 41 of the Federal Rules  
3 of Civil Procedure.

4 **WHEREFORE**, Plaintiff, HICA Education Loan Corporation, requests that this case be  
5 dismissed without prejudice, with costs taxed to the party incurring same.

6  
7 Dated this 9<sup>th</sup> day of May, 2012.

8 Respectfully submitted,

9 IT IS SO ORDERED.

10  
11 

12 PHILIP M. PRO  
13 U.S. DISTRICT JUDGE

14 Dated: May 9, 2012.


  
15 Matthew L. Johnson (6004)  
16 Russell G. Gubler (10889)  
17 Matthew L. Johnson & Associates, P.C.  
18 8831 West Sahara Avenue  
19 Las Vegas, Nevada 89117  
20 Telephone: (702) 471-0065  
21 Facsimile: (702) 471-0075  
22 mjohnson@mjohnsonlaw.com  
23 rgubler@mjohnsonlaw.com  
24 Attorneys for Plaintiff

25 **CERTIFICATE OF SERVICE**

26 The undersigned certifies that a true and correct copy of this pleading was served by  
certified mail, return receipt requested, and by regular, first-class mail on the 8 day of  
May, 2012, to the last known address of the Defendant as set forth  
below:

27 Elliot E. Shin  
28 6718 Lincoln Wood St.  
29 Las Vegas, NV 89149-0523

30 /s/

  
31 Russell G. Gubler  
32 Attorney for Plaintiff

AO 440 (Rev. 12/09) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the  
District of Nevada

HICA Education Loan Corporation

*Plaintiff*

v.

Elliot E. Shin

*Defendant*

Civil Action No. 2:12-cv-00553-PMP -GWF

**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address) Elliot E. Shin  
6718 Lincoln Wood St.  
Las Vegas, NV 89149-0523

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew L. Johnson  
Russell G. Gubler  
Matthew L. Johnson & Associates, P.C.  
8831 West Sahara Avenue  
Las Vegas, Nevada 89117  
Telephone: (702) 471-0085

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

LANCE S. WILSON

CLERK

*Lance S. Wilson*

(By) DEPUTY CLERK



April 4, 2012

DATE

EXHIBIT "A"

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 2:12-cv-00553-PMP -GWF

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Elliot E. Shin  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**AFFIDAVIT OF NON-SERVICE**

**UNITED STATES DISTRICT COURT  
District of Nevada**

Case Number: 2:12-CV-00553-PMP-GWF

Plaintiff:

**HICA EDUCATION LOAN CORPORATION**

vs.

Defendant:

**ELLIOT E. SHIN**

Received by Sunbelt Reporting & Litgation Services (Bellaire, TX) on the 6th day of April, 2012 at 10:35 am to be served on **ELLIOT E. SHIN, 6718 Lincoln Wood St., Las Vegas, NV 89149.**

I, Anthony Spada, being duly sworn, depose and say that on the 9th day of April, 2012 at 1:34 pm, I:

**NON-SERVED the SUMMONS IN A CIVIL ACTION, CIVIL COVER SHEET, CERTIFICATE OF INTERESTED PERSONS, NOTICE OF PENDENCY OF OTHER ACTIONS and COMPLAINT** for the reasons detailed in the comments below.

**Additional Information pertaining to this Service:**

4/6/2012 5:35 pm Attempted service was made at the address of 6718 Lincoln Wood St., Las Vegas, NV 89149. An unidentified female (Asian, 50 y/o, 5'3", 125 lbs., black hair, no glasses) answered the door and stated that Elliot was not at home and would return tomorrow.

4/7/2012 10:21 am Attempted service was made at the address of 6718 Lincoln Wood St., Las Vegas, NV 89149. An unidentified female (Asian, 50 y/o, 5'3", 125 lbs., black hair, no glasses) answered the door and stated that Elliot was not at home.

4/9/2012 1:34 pm Attempted service was made at the address of 6718 Lincoln Wood St., Las Vegas, NV 89149. No response was received at the door. No activity was observed. No vehicle was present. Voices were heard within the residence.

I certify that at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made.

State of Nevada  
County of Clark

  
Anthony Spada  
2571589

Subscribed and Sworn to before me on the 17<sup>th</sup>  
day of April, 2012, by the affiant  
who is personally known to me.

  
NOTARY PUBLIC

Sunbelt Reporting & Litgation Services (Bellaire, TX)  
6575 W. Loop South, Suite 580  
Bellaire, TX 77401  
(713) 667-0763

Our Job Serial Number: BRT-2012001257

